

FILED
10-02-2024
Anna Maria Hodges
Clerk of Circuit Court
2024CF004681
Honorable Kristy Yang-47
Branch 47

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2024ML023645

Court Case No.:

VS.

CRIMINAL COMPLAINT

SPENCER, TEARMAN
 8629 N SERVITE DRIVE, #104
 MILWAUKEE, WI 53223
 DOB: 12/16/1956

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: MISCONDUCT/OFFICE-ACT/INCONSISTENT DUTY

The above-named defendant between June 1, 2022 and February 14, 2023, at 200 E Wells Street, in the City of Milwaukee, Milwaukee County, Wisconsin, while employed as a public employee and who, in his capacity as a public employee exercised a discretionary power in a manner inconsistent with the duties of his employment and with intent to obtain a dishonest advantage for another, contrary to sec. 946.12(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 2: OBSTRUCTING AN OFFICER

The above-named defendant on or about Sunday, July 21, 2024, at 821 W State Street, Milwaukee WI 53233, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Probable Cause:

Complainant is a Milwaukee County District Attorney's Office Investigator and basis this complaint upon his own investigation that was conducted with other law enforcement officers. Complainant knows that said investigation was conducted in the normal course of police business. Said investigation revealed that the above named defendant while employed as a public officer exercised a discretionary power in a manner inconsistent with the duties of his office with intent to obtain a dishonest advantage for himself or another. Specifically, the investigation revealed that the defendant directed Milwaukee City Attorney staff and resources in an effort to have himself or another avoid, fees and repairs, required by Department of Neighborhood Services Inspections that totaled thousands of dollars and to avoid inspections regarding his personal property. The defendant did this despite holding a public office, that

of Milwaukee City Attorney, which is an elected position that is tasked with representing The Department of Neighborhood Services Inspections who would have ordered those fees and repairs. Further the investigation revealed that the defendant misled investigators during a voluntary interview when questioned about the use of the resources to his personal benefit. The defendant did this while also admitting that he directed city attorney resources for his own personal benefit contrary to his client the City of Milwaukee. This would have occurred between June 1, 2022 February 14, 2023, at 200 E Wells Street, in the City of Milwaukee, Milwaukee County, Wisconsin

Complainant interviewed Department of Neighborhood Services (DNS) Chief of Staff KR. KR stated she was familiar with the property located at 3030 North Martin Luther King Jr. Drive and was aware that her inspectors had issues with the City Attorney's Office interfering with DNS inspector's work. KR stated DNS Inspector CJ made several attempts to conduct mandated inspection on the MLK property. KR stated CJ conducted an exterior inspection and left several violations for the property owner, which DNS knew as MG. After that inspection, CJ received a voicemail regarding the property from an individual describing himself as "Spencer" using the phone number confirmed to be the defendant's. Complainant learned from KR that on September 17, 2021, CJ went to the property to perform a mandated fire inspection. CJ reported she was interfered with while trying to conduct her inspection. CJ stated she was met by MG, one unidentified person and a man that identified himself as the City Attorney, the above named defendant, CJ reported that the city attorney's presence made her uncomfortable and she did not complete the inspection; KR stated she escalated the situation to Special Inspector RL. On October 05, 2023

Complainant interviewed CJ and she stated that she received a phone call from "Spencer" at a number known to be the defendant's after writing up exterior violations for 3030 North Martin Luther King Jr. Drive. CJ stated at the time of the call she did not know "Spencer." CJ stated when she went to the location on September 17, 2021, and there were two other individuals with the property owner MG. CJ recalled one individual with MG identified himself as a maintenance person for the property and the other person identified himself as "Attorney Spencer." CJ stated at that time, she knew this person to be the City of Milwaukee City Attorney Tearman Spencer. She recalled the defendant stated his purpose there was because he stored his cars at the property in a locked portion of the building. CJ stated she was very uncomfortable with that many people around when she conducted an inspection. CJ recalled she was not "approached in the friendliest manner." CJ stated as she approached location the defendant immediately stated to her, "You the Inspector?" CJ felt his voice and body language were intimidating, saying to the defendant "Is that how you greet people?" According to CJ, the defendant was only around a few minutes and did not engage in much conversation. CJ told the individuals she was only going to conduct the inspection with MG. CJ conducted a partial inspection with MG alone. CJ was unable to conduct the full inspection as there was a portion of the building that was locked and MG claimed he did not have access. MG stated the defendant stored his vehicles in that portion of the building.

Complainant interviewed DNS Special Inspector RL who stated that because of CJ interactions at the property, he intended to conduct a zoning inspection and complete the fire inspection, which had not yet been fully completed for the year. RL stated he made an initial inspection of the exterior of the building prior to contacting the property owner. RL stated that during his inspection he witnessed people inside the building working on cars, thus showing occupancy. RL provided a photograph of an individual painting a coach bus in the outside parking lot. RL issued code violations because of the visit. RL wrote several orders for code violations for the building. These violations include Illegal Use and Occupancy, No motor vehicle repair service or maintenance, Heavy motor vehicle storage, Outdoor storage, remove nuisance vehicle, Salvage operation and heavy vehicle body shop. RL stated that MG, the property owner, contacted him stating he had been out of the country and was unable to deal with the violations before the deadline. RL returned to property for a full inspection on October 25, 2023, at 11:00 a.m. Also present during the inspection was AG, MG's son. According to RL, when he told MG he needed to enter the building to finish the inspection, MG informed him that the cars inside belonged to "the City Attorney." MG

told RL that the City Attorney said he did not need an occupancy permit. MG showed a memo via email dated July 8, 2022, from Assistant City Attorney (ACA) TM to Deputy City Attorney (DCA) OO stating a building used for storing cars does not need an occupancy permit.

Complainant obtained the memo which is drafted on City of Milwaukee Office of the City Attorney letterhead, and is titled "Memorandum" It is to DCA OO from ACA TM and is states that it is regarding "Vacant Building, car storage" and is dated July 8, 2022. The memo lists various City Of Milwaukee Ordinances regarding car storage and the definition of vacant building and discusses when a building used to store cars alone is considered vacant as to not be subject to registration on exterior maintenance as required by thereby avoiding code violations and fees. KR stated that because of the building being vacant, the building owner would be required to pay a vacancy fee twice a year, for a total of \$1,522.0 and other fees from code violations can be added. These fees are added to the property tax bill. For years 2021 and 2022, the owner of the property at 3030 North Martin Luther King Jr. Drive has been assessed \$3,048.00 in fees. In addition, the property has amassed \$5003.80 in reinspection fees and \$406.40 in code violations.

Complainant interviewed ACA TM. That Investigator Meverden produced a copy of the memo dated July 8, 2022, written by her to Deputy City Attorney OO. TM verified the memo as her work product. Complainant asked TM how she would classify the document. TM stated it was not a legal opinion, but a more informal memo. TM stated she had received an email from DCA OO asking her to investigate vacant buildings and car storage. TM stated the purpose for the memo was not revealed to her, nor did he mention the specific property related to the request. TM stated she created the memo on July 8, 2022, and emailed it to OO. TM recalled sending it to OO on Friday, July 8, 2022, and OO responded to her the following Monday that her memo "looked good." TM stated this was during her business days.

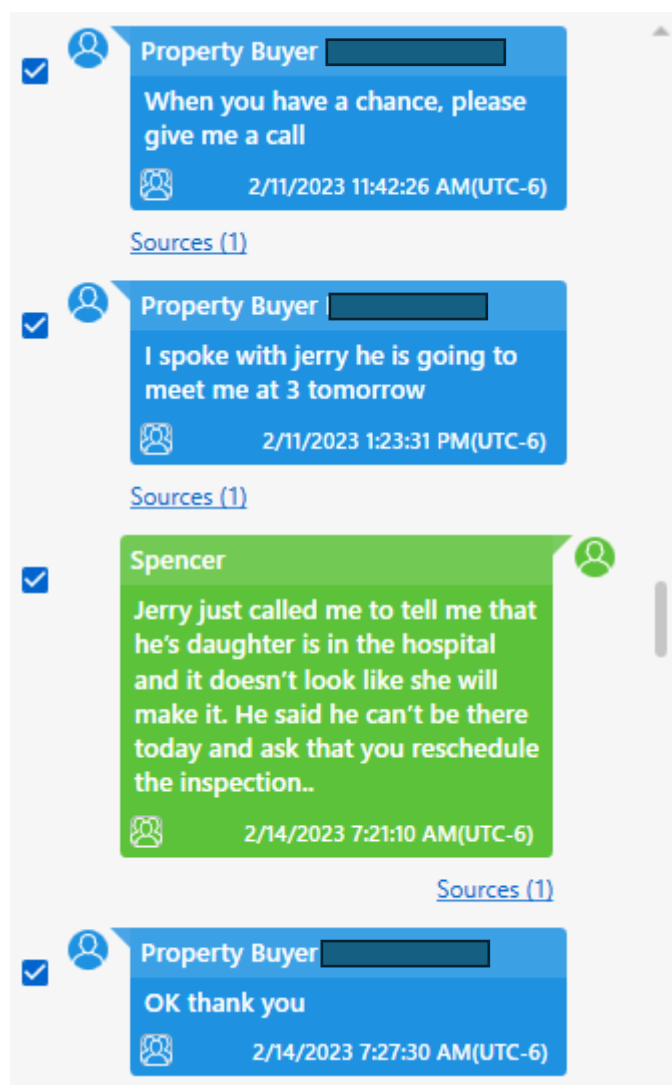
Complainant then interviewed MG. MG who verified his ownership of the property. MG stated he mostly uses the building to store cars for the defendant. MG stated he often deals with an individual named JV, which maintains the space for the defendant. JV. MG stated he purchased the property from a group, he believed included the defendant. MG stated that the defendant contacted him and asked if he could continue to store the vehicles he had at the property and offered to pay. MG stated he only intended on keeping the building a few months before demolishing it, so MG did not feel it necessary to take money. MG stated he and the defendant came to a verbal agreement in which the defendant could continue to store his vehicles there, but would be responsible for the building's maintenance issues. MG described the building maintenance issues as snow removal, lawn care, and general building repair. MG stated JV attended to these issues.

Complainant stated that MG provided a code violation he had received from DNS. MG stated it was because there were vehicles in the lot to the south of his property. MG stated two of those vehicles belonged to the defendant. MG contacted JV and stated the cars had to be moved. The defendant sent a text to MG responding that he would have the cars removed. MG stated this was a common practice to contact JV when there was an issue with the defendant's storage area or a code enforcement order from DNS. MG stated that recalled the inspection from September 17, 2021, and recalled it involving paint work MG was ordered to do by DNS. MG recalled the inspector's name being CJ. MG stated after he received the code orders, he called the defendant and told him it was his responsibility per their agreement since he was being charged no rent. The defendant stated he would be present for the re-inspection. MG stated he was aware that the defendant attempted to call CJ on the phone. MG stated on the day of the re-inspection, the defendant was very loud with CJ, yelling at her "hey, come here." MG stated it was inappropriate to call someone over that way. MG recalled the defendant saying, "do you know who I am," and CJ replying, "I don't care, you don't sign my check." MG thought the conversation between them was getting heated so he told the defendant he would handle the inspection.

After the inspection MG stated he was informed by CJ that an occupancy permit was necessary for the property. MG stated he had nothing going on in the shop and if the building was being occupied, it was by JV and the defendant's actions there. MG stated he sent the defendant a copy of the order stating he needed an occupancy permit. MG told the defendant that it would be his responsibility to get the occupancy permit, and it should be under the defendant's name. MG stated that the defendant continued to tell MG that he did not need an occupancy permit. MG stated that ultimately the defendant then promised to get MG a letter stating it was not necessary to have an occupancy permit for the property.

Complainant reviewed chronological records from DNS regarding inspections of the property in question. Those records reflect that on February 14, 2023 an inspection was conducted at the 3030 MLK property and the property failed an inspection.

Complainant also reviewed text communications between the defendant and MG around that date of inspections. Those are below.



These communications show the defendant was aware of the inspection at least as early as 7:21 am on the date of the inspection.

MG stated he received a letter from the defendant via email from the email address that the defendant confirmed was his personal email address. Complainant then showed MG a copy of the above referenced memo and MG verified it to be what he received from the defendant via email from that same email address.

Complainant obtained the email through legal process. Those emails show that within about 2 hours the defendant emailed MG.

To	H [REDACTED].com>
From	Tearman Spencer <spencertearman@yahoo.com>
Subject	Fwd: Vacant Building Car Storage Memo
Body	Sent from my iPhone Begin forwarded message: > From: "Spencer, Tearman" > Date: February 14, 2023 at 9:41:14 AM CST > To: spencertearman@yahoo.com > Subject: FW: Vacant Building Car Storage Memo > > > > [REDACTED] > > Tearman Spencer City Attorney tspencer@milwaukee.gov > > > City Attorney's Office > Zeidler Municipal Building > 841 North Broadway, 7th Floor > Milwaukee, WI 53202 > P (414) 286-2611 F (414) 286-8550 > > > From: O [REDACTED] > Sent: Tuesday, February 14, 2023 9:10 AM > To: Spencer, Tearman > Subject: Vacant Building Car Storage Memo > > Good morning Spencer, > > Attached, please find ACA Montag's Memo regarding Vacant Building Car Storage. Please let me know if you need anything else. Thank you. > The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at www.milwaukee.gov/email_disclaimer

Attached to that email was the memo in question. Which is copied below. According to the email records the defendant appears to have first forwarded the email to his private email before sending it to MG from his private email.



800 City Hall, 200 E. Wells St., Milwaukee, WI 53202, Telephone 414-286-2601, Fax 414-286-8550

MEMORANDUM

To: C [REDACTED]
From: T [REDACTED]
Date: July 8, 2022

RE: Vacant building, car storage

1. Vacant building MCO § 200-51.7-3c

This ordinance defines vacant building as "a building which lacks habitual presence of human beings who have a legal right to be on the premises or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacant." Since the issue is dealing with car storage and not residential, the ordinance states that the building needs to have at least 5% occupancy by a lawful business.

2. Vacant building registration MCO § 200-51.7

If a building is deemed vacant by the above definition it must be registered with the City within 30 days of it being vacant. MCO § 200-51.7-4a. This ordinance applies to "residential buildings or any other building, including . . . buildings designed for manufacturing, industrial, storage or commercial uses." MCO § 200-51.7-2. Once it is deemed vacant the building must comply with ordinances to ensure safety of the public. These ordinances are outlined in MCO § 200-51.7-7 and are primarily about lot maintenance and maintenance of the exterior of the building. The registration renewal is required every 6 months as long as the building is vacant. MCO § 200-51.7-4c.

3. Detached Private Garage MCO § 239-1

MCO § 239—1-1a. "An automobile shall not be placed or stored in any building or structure except as permitted and regulated in this code." This ordinance pertains to private detached garages for one and two family dwellings and details standards for construction. MCO §§239-1-1 through 239-1-9.

4. Parking places 84-20

For a parking place that requires a payment to park a license must be obtained by the City. MCO §84-20-2. No license is required if the parking place is in a residential district and operating under a conditional temporary permit. MCO § 84-20-2. Additionally, MCO § 84-20-1c, states the licensing requirement "does not include the renting of private parking places that have parking spaces for 15 or fewer motor vehicles."

Conclusion

If the building is more than 5% occupied by cars it is not considered a vacant building and not subject to registration and exterior maintenance requirements. There are regulations for private detached garages and commercial parking places. I have not found any ordinances that regulate storage of cars in buildings other than those mentioned.

Please contact me for any clarification that is needed.

T [REDACTED]

Complainant stated while speaking with MG, MG called JV on speakerphone and JV confirmed he was employed by the defendant not MG.

This complaint is further based on the statement from OO. OO stated that he was not aware at the time the memo was drafted that the defendant was storing cars at a building on MLK. OO stated that he assigned TM the task of researching the issue the ordinance regarding vacancy. OO stated that "he wouldn't say he got the assignment" but he got a question from [the defendant] regarding this issue and that he did not know at the time he applied to the location he had his vehicle. OO stated he never stated why he was inquiring. OO stated he did not ask any questions about the topic of the defendant. At this point OO was shown a series of emails from ML a support staff to the city attorney from ML regarding this topic and OO stated he did not know the defendant asked that of ML. OO then was shown an email from the defendant directly to him. In this email the defendant asked OO "will you please have someone in your section answer whether or not this registration is required if this property is used as a storage facility for cars. And if not than what is if anything."

From: Spencer, Tearman <tspencer@milwaukee.gov>

Sent: Thursday, June 16, 2022 4:55 PM

To: O [REDACTED]

Subject: Fwd: Vacant Building Registration

Will you please have someone in your section answer whether or not this registration is required if this property is used as a storage facility for cars. And if it not than what is if anything.

Complainant further reviewed DNS chronological records which shows just six days before the defendant sent this email to DCA OO, MG was mailed a letter indicated that his property reinspection fees were due. A relevant portion is copied below.

05/18/2022	MAY Monthly re-inspection fee letter mailed first class mail.
06/10/2022	Fail-null
06/10/2022	JUNE Monthly re-inspection fee letter mailed first class mail.
07/18/2022	Fail-Violations remain

This would mean the letter would have been received about the same time the request was made by the defendant in the above email.

During the interview of OO, he stated after seeing the email that this may have been how he got the question. The emails then show OO sending the assignment to an ACA OO supervised. OO stated he remember the ACA he assigned to the task sent him back a memo. OO stated that after he received the memo back, he knows he would have told the defendant what the result was. OO stated that he could have given a copy to the defendant. However, emails show that OO asked the ACA who drafted the memo if he could in fact share the document with the "CA" meaning city attorney . The request omits that the people are actively at the property. Further, the memo deals with vacancy not occupancy which is one of the issues the property was in violation for as stated above. OO stated that he would not ask a city employee to work on a personal matter.

Complainant believes based on the timing of the DNS work regarding the property, the defendant's promise to get MG an letter saying that a permit was not required, that violations that were being assessed, and that the defendant sent MG this memo on the same day the property failed an

inspection the defendant was attempting to obtain MG and himself the advantage of stopping the inspections, violations and fees associated with DNS's work.

From: O [REDACTED]
Sent: Friday, July 8, 2022 7:56 AM
To: M [REDACTED], T [REDACTED]
Subject: RE: Vacant Building Registration

Good morning T [REDACTED],

Just circling back. Yes, please write something up. Does not have to be long, can be succinct. Please direct response assuming vacant building in question is a storage facility for cars and whether Vacant Building Registration is applicable. Thank you.

From: O [REDACTED]
To: M [REDACTED], T [REDACTED]
Subject: RE: Vacant Building Registration
Date: Wednesday, July 13, 2022 9:43:20 AM

Good morning T [REDACTED],

Memo looks good to me, and is clear and easy to follow. Unless you say otherwise, I will forward to CA. Please let me know. Thank you.

From: O [REDACTED], O [REDACTED]
Sent: Friday, July 8, 2022 4:26 PM
To: M [REDACTED], T [REDACTED]
Subject: RE: Vacant Building Registration

Acknowledge receipt; I will review over weekend. I will check with you before forwarding to CA. Thank you. Enjoy your weekend.

From: M [REDACTED], T [REDACTED]
Sent: Friday, July 8, 2022 4:22 PM
To: O [REDACTED], O [REDACTED] >
Subject: RE: Vacant Building Registration

Attached is the memo about vacant building and car storage.

T [REDACTED]

When asked if it is appropriate to use city attorney's staff to do private work OO stated he would not ask an ACA to do work on a private issue. OO stated he did not know this was related to the defendant's

property at the time. OO stated that the city's attorney represents city agencies when those agencies are dealing with individuals not individuals against the city agencies.

From: O [REDACTED] O [REDACTED]
To: M [REDACTED], T [REDACTED]
Subject: RE: Vacant Building Registration
Date: Wednesday, July 13, 2022 9:43:20 AM

Good morning T [REDACTED]

Memo looks good to me, and is clear and easy to follow. Unless you say otherwise, I will forward to CA. Please let me know. Thank you.

From: O [REDACTED] O [REDACTED]
Sent: Friday, July 8, 2022 4:26 PM
To: M [REDACTED], T [REDACTED]
Subject: RE: Vacant Building Registration

Acknowledge receipt; I will review over weekend. I will check with you before forwarding to CA.
Thank you. Enjoy your weekend.

From: M [REDACTED], T [REDACTED]
Sent: Friday, July 8, 2022 4:22 PM
To: O [REDACTED] O [REDACTED]
Subject: RE: Vacant Building Registration

Attached is the memo about vacant building and car storage.

T [REDACTED]

Complainant interviewed City of Milwaukee employee ER. ER was formerly the Commissioner of the City of Milwaukee Department of Neighborhood Services (DNS) during the above time frame. In her role as Commissioner of DNS, she oversaw code enforcement for the City of Milwaukee. ER stated she was made aware of incidents at the property and was aware that code inspectors may have been interfered with by the City Attorney's Office. ER stated she was informed by her DNS Operations Manager KR that an inspector had been attempting to inspect 3030 N. Dr. Martin Luther King Dr. for code issues. ER was informed that the owner of the building, MG, informed the inspector that he had vehicles stored in the building that "belonged to the city attorney." She stated that MG informed the inspector that he was only storing cars and exempt from the city inspection. MG also stated to the inspector that he had a letter from the City Attorney stating so. MG later emailed the letter he reference to the inspector, who ER later identified as RL. ER stated she has seen the "letter" and she stated she felt the opinion of the ACA was wrong. ER stated a property must either be vacant, pay appropriate vacancy fees and still be subject to codes of a certain type, or have an occupancy license and be subject to another set of codes to comply with. ER claimed that when she began to collect information after the above incident, she learned of an earlier incident involving an inspector named CJ. ER stated

Jines had been making several efforts to conduct a fire inspection on the property. ER stated they were having issues getting anyone connected with the property to respond to requests for the fire inspection and they believed the property to be abandoned. ER believed that on one of her inspection attempts, CJ was confronted by a person claiming to be the city attorney stating that an inspection was not necessary. Of this, CJ decided to not conduct the inspection. It was after the event involving Inspector RL and learning of the events of CJ, that ER sent an email to Spencer, ACA TM and DCA OO requesting clarification on their attempts to keep 3030 N. MLK from being inspected. ER never received a response. ER checked her email prior to our interview just to be sure. ER provided me, via email, a copy of the email and attached memo from the City Attorney's Office that was sent from AG to RL dated 10/25/2023, a set of photos taken by RL of the property on 10/05/2023, An Inspection Order dated 10/05/2023, a set of photos taken by RL during a reinspection on 10/25/2023, and notes from RL on his attempts to inspect the property. Complainant asked ER if DNS had requested any type of guidance from the City Attorney's Office concerning 3030 N. MLK Dr that would have caused ACA TM to author the memo. ER stated no one from DNS made such a request.

Complainant asked ER if she had ever seen the memo from ACA TM to DCA OO prior to it being provided to DNS by MG. ER stated she did not. ER stated she does not know of anyone at DNS that was made aware of the memo prior to receiving it from MG. ER felt it would be odd that the City Attorney's Office would make a ruling on a property and not inform the agency in charge of enforcement of that policy. ER stated this was not the norm of how opinions from the City Attorney's Office were handled. ER described the proper procedure for DNS to obtain a legal opinion, she as the department head would make a request to the City Attorney via email. She would then expect to receive a written, binding legal opinion. She would then save that opinion, share it with the office and adjust policies or practices accordingly. That did not happen here.

ER was unaware of a citizen being able to obtain a copy of a City Attorney's internal memos. Complainant asked ER if she knew how MG received the letter. She was told that MG told RL he received it from the defendant.

Complainant believes that based on the above information the defendant while a City Officer exercised a discretionary power of directing city resources in an effort to prevent DNS, who would be the defendant's client, from conducting inspections and assessment on the property. This is based on the timing of the request by the defendant to his the city attorney staff in relation to the DNS chronological records as well as the timing of it being sent to MG. In addition, according to information provided by DNS, regardless of what the memo stated the defendant was attempting to gain a dishonest advantage for himself or another, being MG, because code enforcement would occur in either event. This is further supported by statement of DCA OO, who at the time the memo was created worked in the City's Attorney's office that stated that the city's attorney represents city agencies when those agencies are dealing with individuals not individuals against the city agencies which is the opposite of what the defendant did in the present circumstance. This dishonesty of working in conflict with his own client was compounded by the fact that he did not disclose his own interest in the matter in attempting to obtain for himself and MG a dishonest advantage. This is supported by the fact that the defendant never directed the memo be sent to DNS, which would have been the primary agency of his client, the City of Milwaukee at issue in the matter. Instead the defendant sent the memo to a private citizen with whom he has private financial dealings in an attempt based on the surrounding circumstances to avoid the inspections and fees in the thousands which again according to DCA OO should not have been done.

INTERVIEW OF THE DEFENDANT

This complaint is further based on a statement by the defendant made on July 21, 2024, at 821 W State Street, Milwaukee WI 53233, in the City of Milwaukee, Milwaukee County, Wisconsin. In this interview the defendant admitted that he directed "his people", meaning the City Attorney's Office to do this because his personal property was at issue. This statement was made after the defendant voluntarily appeared and was in the presence of his lawyer. During this statement, the defendant stated he was the City Attorney from April 11, 2020, to April 11, 2024. The defendant formerly owned 3030 North Martin Luther King Drive. The defendant stated the property was a business property and confirmed the company was Allmake Enterprises. The defendant didn't recall the dates of ownership but recollected he owned the property since 2007-2008. The defendant stated he was unsure the purpose of the property when he owned it but believes it was used as an auto repair shop. The defendant stated there was a time he operated a car wash out the property. The defendant didn't recall when the property was sold but knows it was sold to "MG". The defendant stated he doesn't know MG's sir name. The defendant stated he didn't execute the sale of the property but was aware the property was sold. The defendant stated he had contingencies with the sale of the property and identified a contingency that allowed him to store his vehicles on the property. The defendant stated he would make sure by storing the vehicles he was in compliance because of his "pesty neighbor". The defendant stated if there was a problem he could be contacted, and he would notify the property manager.

The defendant stated he did agree to take care of the portion of the property he used. The defendant stated that if anything arose, he would make sure JV the property manager would abate the problem. The defendant stated he regularly had contact with JV. The defendant stated JV did everything, including moving his cars. Despite this the defendant stated he did not know who paid JV's salary. The defendant stated he purchased cars and stored them at the property. When asked if he compensated JV for parking the vehicles, the defendant responded he took care of a lot of stuff for JV. Complainant asked the defendant, "what kind of stuff?" The defendant replied, "that is not your business what kind of stuff...he had a lot of different issues he would call me for." The defendant stated JV was his former partner's son in law. The defendant stated he knew JV prior to the property being sold to MG, but also stated he is not aware how JV became the property manager if the 3030 address even though he was the person who knew JV before the property was sold, not MG. This is also contrary to what JV stated on the phone with Complainant.

Complainant asked the defendant if there were any agreements with the upkeep of the building. The defendant stated "no," but he did on occasion pay for upkeep on the building, which appears to be contrary to the defendant's previous statement regarding the defendant being responsible for his upkeep of the building. The defendant stated he paid for debris to be removed and fixed a door. The defendant stated he stored approximately 10-12 cars on the property but there were more cars on the property that didn't belong to him.

The defendant stated he was aware of code violations and inspections being conducted on the property. The defendant stated he was present for one of the inspections. The defendant stated the inspector was looking at the building's paint and broken windows. The defendant stated he went to the property at the request of JV, but it wasn't planned that he would go to the property when the inspector was present.

The defendant described the contact with the inspector as being "good" which is contrary to what both MG and CJ stated. The defendant stated that JV was present while he talked with the inspector. The defendant stated he asked the inspector what exactly the inspector wanted so there was no misunderstanding. The defendant stated MG called him telling him he needed to remove the vehicles

from the property because of the inspector. The defendant stated he did ask who the inspector was that was "threatening" MG about removing his, meaning the defendant's, vehicles from the property.

The defendant informed investigators that the duties of the Milwaukee City Attorney are to defend employees of the city and conduct all the legal matters for the city. The defendant stated the property came into question by "a fellow who works up there, not me", and he had to look into it. The defendant stated "my job is to defend the city and if they had any concerns they have to go out and get themselves an attorney. The defendant stated MG would call and ask for help all the time when he would get a letter regarding DNS. The defendant stated if MG got a letter, he would tell MG to take it to JV the same JV the defendant stated he had take care of problems for him. The defendant stated he would then talk to JV and let JV understand what MG wants and the defendant would try to inform MG what he would have to do to abate it. The defendant stated he never helped MG dispute complaints with DNS.

At this point Complainant asked the defendant if he is aware a memo was drafted by his office regarding the proper usage of 3030 North Martin Luther King Drive. The defendant stated, "there was an issue about storage, what constitutes a garage a storage facility being occupied, I had my folks look into it, to make sure that we were clear on what the statute is." Complainant asked what was the reason for this memo being drafted and the defendant replied, "I stored my cars there, and I think someone from DNS or from MG, said that there was activity going on in there that went way beyond storage, so it had to be clarified." Complainant asked who reported the issue to him, The defendant replied "I think it might have come from JV. Because I know it was JV, so you know MG would bark a lot, but I really don't understand when MG talks." The defendant stated he was unsure if an opinion was generated by the City Attorney's Office but there might have been. The defendant stated he believes the issue was clarified. Complainant asked does it mean that the owner would not need to purchase an occupancy permit, the defendant replied, "you don't need an occupancy permit, if in fact you just storing it as a garage, it is not being occupied." Complainant asked the defendant if it were DNS's assertion that building was being used for more than car storage, the defendant replied "I would imagine, I would imagine, but I can't tell you if the guy was there searching. But I would imagine they got to, because they are looking for a ways to deal with it." The defendant stated JV stated DNS was telling them that he needed an occupancy permit to store his cars in the property. The defendant clarified he asked "the folks" in his "division" look into the issue to clarify the statute. The defendant clarified those looking into the issue were Assistant City Attorneys. The defendant stated he never talked directly to Assistant City Attorneys. The defendant will go through a Deputy City Attorney. The defendant stated in this issue, he spoke with Deputy City Attorney OO. The defendant stated a memo would have had to been generated to inform him the position of the city. Complainant showed the defendant a copy of a memo that was drafted by Assistant City Attorney TM dated July 8, 2022. The defendant stated the memo he viewed could be the memo that was generated. Complainant asked if the memo was turned into him, The defendant stated he doesn't recall but can assume it was. Complainant asked what would have happened with the memo. The defendant stated the memo would have been sent to DNS and not JV. The defendant stated that DNS was "alleging that was a storage area, it's clearly not a storage, they would have been informed of the information for clarification. The defendant stated he can't say if DNS got the memo but can assume the memo was received. Complainant asked if anyone else would have been given a copy of the memo and the defendant stated he was given a copy.

Complainant provided a copy of email communications between the defendant and ML dated June 13, 2022. The defendant identified ML as an Administrative Assistant. The defendant confirmed the email communications he was viewing were regarding the communications with JV about him storing cars at the property.

The defendant stated that the purpose of the memo was to be given to DNS "for DNS to understand the difference between storage and the other thing, occupying the facility." Complainant believes this to be untrue because representatives of DNS indicated they never saw the memo and the only records of distribution show that it was provided to OO and the defendant. The defendant stated he didn't provide JV or MG a copy of the memo, but MG would have access to it if it was in his car. The defendant stated he didn't see a reason why he would need to give MG a copy of the memo. Complainant informed the defendant that a copy of the memo was provided to City Inspectors during an inspection by MG and MG stated that the defendant provided it to him. The defendant stated he doesn't recall giving MG a copy of the memo, but it wasn't "proprietary information." Complainant asked the defendant if he thought it was proper to provide MG a copy of the memo, The defendant stated "listen my property was at question and that building. My property, the building was at issue, the issue had to get cleared up. The issue was cleared up with DNS, so it was fitting to make sure they were cleared up at the property as well, no issue."

Complainant asked again if the defendant gave a copy of the memo to MG, The defendant replied, "how many different ways you gonna ask the same question, I'm going to answer the same question again, I don't remember giving MG that memo." Complainant asked the defendant in this instance, the city is still your client, DNS is your client and the person the client has an issue with is given the memo, The defendant stated "my cars were there, the issue was addressed to me, he just happened to be the owner. I occupied that for my cars, so it was an issue I had to clarify for me not him." Complainant asked if the defendant had knowledge the memo distributed to anyone else. The defendant replied he wouldn't have a clue. The defendant stated he didn't provide JV or MG a copy of the memo because he didn't see a reason why he would need to give MG a copy of the memo.

Complainant believes this to be untrue because a warrant was done regarding the defendant's email account which showed that MG was emailed a copy of the memo from the defendant's personal email account after the memo was emailed to the defendant's personal account from the defendant's City of Milwaukee email account.¹

This complaint does not exhaust the available information gathered during the investigation.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Nicolas J Heitman.
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¹ Knowingly providing false information with intent to mislead is obstruction as a matter of law. *State v. Caldwell*, 154 Wis. 2d 683, 454 N.W.2d 13 (Ct. App. 1990).

Subscribed and sworn to before me on 10/01/24

Electronically Signed By:

Nicolas J Heitman

Assistant District Attorney

State Bar #: 1070560

Electronically Signed By:

Thomas Meverden

Complainant